

118TH CONGRESS
1ST SESSION

S. _____

To amend title 18, United States Code, to provide an affirmative defense for certain criminal violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MULLIN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to provide an affirmative defense for certain criminal violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stand Your Ground
5 Act of 2023”.

6 **SEC. 2. CERTAIN AFFIRMATIVE DEFENSES.**

7 (a) AFFIRMATIVE DEFENSE.—

8 (1) IN GENERAL.—Chapter 1 of title 18, United
9 States Code, is amended by adding at the end the
10 following:

1 **“§ 28. Affirmative defense for certain criminal viola-**
2 **tions**

3 “(a) DEFINITION.—In this section, the term ‘forcible
4 felony’ includes treason, murder, manslaughter, sexual
5 battery, carjacking, home-invasion robbery, robbery, bur-
6 glary, arson, kidnapping, aggravated assault, aggravated
7 battery, aggravated stalking, aircraft piracy, unlawful
8 throwing, placing, or discharging of a destructive device
9 or bomb, and any other felony which involves the use or
10 threat of physical force or violence against any individual.

11 “(b) USE OR THREATENED USE OF NON-DEADLY
12 FORCE IN DEFENSE OF PERSON.—

13 “(1) IN GENERAL.—It shall be an affirmative
14 defense to a prosecution under this title that the de-
15 fendant used, threatened to use, or attempted to use
16 force, except deadly force, against an aggressor if,
17 and to the extent that, the defendant reasonably be-
18 lieved that the use, threat to use, or attempt to use
19 such force was necessary to defend the defendant or
20 another individual against the imminent use of un-
21 lawful force by the aggressor.

22 “(2) NO DUTY TO RETREAT.—For purposes of
23 paragraph (1), an individual who is at risk of be-
24 coming a victim of a forcible felony shall not be re-
25 quired to first seek retreat as the preferred alter-
26 native to using force to act in self-defense.

1 “(c) USE OR THREATENED USE OF DEADLY FORCE
2 IN DEFENSE OF PERSON.—

3 “(1) IN GENERAL.—It shall be an affirmative
4 defense to a prosecution under this title that the de-
5 fendant used, threatened to use, or attempted to use
6 deadly force against an aggressor if the defendant
7 reasonably believed that the use, threat to use, or at-
8 tempt to use such force was necessary to—

9 “(A) prevent imminent death or great bod-
10 ily harm to the defendant or another individual;
11 or

12 “(B) prevent the imminent commission of
13 a forcible felony.

14 “(2) NO DUTY TO RETREAT; RIGHT TO STAND
15 YOUR GROUND.—For purposes of paragraph (1), an
16 individual who is at risk of becoming a victim of a
17 forcible felony—

18 “(A) shall not be required to first seek re-
19 treat as the preferred alternative to using force
20 to act in self-defense; and

21 “(B) may use any means necessary to de-
22 fend himself or herself if the individual—

23 “(i) is not engaged in criminal activ-
24 ity; and

1 “(ii) is in a place where the individual
2 has a right to be.

3 “(d) BURDEN OF PROOF.—The defendant has the
4 burden of proving a defense under this section by a pre-
5 ponderance of the evidence.”.

6 (2) TABLE OF SECTIONS.—The table of sections
7 for chapter 1 of title 18, United States Code, is
8 amended by adding at the end the following:

“28. Affirmative defense for certain criminal violations.”.

9 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
10 ments made by subsection (a) shall—

11 (1) take effect on the date of enactment of this
12 Act; and

13 (2) apply to any prosecution commenced after
14 the date of enactment of this Act.